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Attorneys for Defendants
LSI Corporation and
Agere Systems LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

18 BARNES & NOBLE, INC. and
BARNESANDNOBLE.COM LLC,
19 Plaintiffs,
20 v.
21 LSI CORPORATION and
22 AGERE SYSTEMS LLC,
23 Defendants.

Case No. 11-cv-02709 EMC
**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
AMENDMENT TO SEPTEMBER 5, 2012
CASE MANAGEMENT ORDER**
Trial Date: None set
AMENDED ORDER

25 Pursuant to Local Rule 6-2, Plaintiffs Barnes & Noble, Inc. and barnesandnoble.com llc
26 (“Plaintiffs”) and Defendants LSI Corporation and Agere Systems LLC (“Defendants”)
27 (collectively, the “Parties”), by and through their respective counsel of record, stipulate as recited
28 below and jointly request that the Court amend the current case management schedule as set forth

STIPULATION REGARDING CLAIM
CONSTRUCTION DISCOVERY

CASE NO.: 11-CV-02709 EMC

1 below.

2 WHEREAS, the Parties filed a Joint Claim Construction and Prehearing Statement (the
3 "JCCS") on January 18, 2013 [Dkt. No. 163];

4 WHEREAS, the Court, by Order dated September 5, 2012 [Dkt. No. 132], set certain
5 deadlines in the case, including the completion of claim construction discovery by February 15,
6 2013;

7 WHEREAS, the Court has scheduled a further case management conference for
8 February 28, 2013 [Dkt. No. 147];

9 WHEREAS, in the JCCS, the Parties stated their respective positions regarding expert
10 witness testimony on claim construction, but did not agree as to whether extrinsic evidence in the
11 form of expert testimony is necessary or appropriate in the present case [Dkt. No. 163 at 6-8];

12 WHEREAS, neither Party has served an expert report or declaration including expert
13 witness testimony on claim construction;

14 WHEREAS, the Parties have met and conferred and agreed that, in the event either Party
15 submits a declaration including expert testimony in support of a claim construction brief, that
16 expert will be made available for deposition before the opposing Party's next claim construction
17 brief is due, at a time and place mutually convenient for the Parties;

18 WHEREAS, the Parties agree that, in view of the foregoing, the date set by the Court for
19 the completion of claim construction discovery shall be extended by a period of forty-nine days
20 until April 5, 2013;

21 WHEREAS, the Parties do not expect that this proposed extension will impact any other
22 dates already fixed by Court Order;

23 THE PARTIES HEREBY STIPULATE that the deadline for the completion of claim
24 construction discovery, currently set for February 15, 2013, shall be extended to April 5, 2013.
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1 Dated: February 13, 2013

FENWICK & WEST LLP

3 By: /s/ Ravi Ranganath

4 Ravi Ranganath
Attorneys for Defendants
5 LSI Corporation and Agere Systems LLC

6 Dated: February 13, 2013

7 QUINN EMANUEL URQUHART &
8 SULLIVAN, LLP

9 By: /s/ Carl G. Anderson

10 Carl G. Anderson
Attorneys for Plaintiffs
Barnes & Noble, Inc. and
11 barnesandnoble.com llc

12 PURSUANT TO STIPULATION, IT IS SO
13 ORDERED.

14 All other deadlines are set as follows*
15 Further CMC is reset from 2/28/13 to
16 4/11/13 at 10:30 a.m.

17 
18 Judge Edward M. Chen
United States District Judge

19 *4/5/13 - Completion of claim construction discovery

20 4/19/13 - Serve and file opening claim construction brief

21 5/3/13 - Serve and file claim construction response brief

22 5/10/13 - Serve and file claim construction reply brief

23 5/17/13 - Serve and file claim construction sur-reply brief

24 ~~6/7/13 (9:30 a.m. - 4:30 p.m.)~~ - Tutorial 6/21/13 10:00 a.m.-4:30 p.m.

25 ~~6/10 & 6/11/13 (9:30 a.m. - 4:30 p.m.)~~ - Claim construction hearing 7/5/13 10:00a.m.-4:30 p.m.
26 7/8/13 2:30p.m.-4:30 p.m.

1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest under penalty of
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4

5 Dated: February 13, 2013

FENWICK & WEST LLP

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7 By: /s/ Ravi Ranganath

8 Ravi Ranganath
9 Attorneys for Defendants
LSI Corporation and Agere Systems LLC

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